

PATENT

App. Ser. No.: 10/037,595

Atty. Dkt. No. ROC920010193US3

PS Ref. No.: IBMK10195

REMARKS

This is intended as a full and complete response to the Final Office Action dated September 7, 2005, having a shortened statutory period for response set to expire on December 7, 2005. Applicants submit this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-3, 5-10, 12, 13, and 15-34 are pending in the application. Claims 12, 17, 18 and 24 have been amended.

Claim Objections

Claims 12, 17, 18 and 24 are objected to because of formalities. Applicants have amended these claims to address the concerns raised by the Examiner. Accordingly, Applicants respectfully request that the objection be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 1-3, 5-10, 12-13, 15-21 and 24-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0217184 by *Nair* in view of U.S. Patent 6,055,576 by *Beighe*. Applicants respectfully traverse this rejection.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejection fails to establish at least the first criteria.

Page 8

406671_1

PATENT

App. Ser. No.: 10/037,595

Atty. Dkt. No. ROC920010193US3

PS Ref. No.: IBMK10195

Regarding claims 1, 12, and 24 *Nair*, in view of *Beighe* does not teach or suggest all the claim limitations. For example, the Examiner argues that *Nair* discloses "in response to a request from a server application, allocating a system-supplied buffer to the server application" in paragraph 20. However, this paragraph, and *Nair* generally, is directed to processing data frames up (and down) a communications protocol stack, and not to the operations of a server application. *Nair* describes that "the buffer manager 114 maintains a pool of available buffers from which a protocol module may select or be allocated a buffer for temporary storage of the frame of data." *Nair*, ¶ 25. In contrast, the present claims recite allocating a system-supplied buffer to a server application, in response to a request from the server application. Applicants submit that allocating a system-supplied buffer to a server application is distinct from the techniques of allocating a shared buffer to layers of a network communication protocol, as disclosed by *Nair*.

More generally, *Nair* discloses a method of enhancing a data communications pathway that includes sharing a pointer to a buffer among different layers of a protocol stack (e.g., passing a pointer from a physical layer, to a data link layer, to a network layer, etc.). *Nair* discloses maintaining the data frames in a common buffer space, referenced by a software module at each layer by the shared pointer. For example, a passage from the paragraph cited by the Examiner provides:

In particular, when a frame or cell of data is received from a network attached to the machine, or when a packet of data is prepared for transmission over a network attached to the machine, as the data is processed by each appropriate protocol software module, the data is maintained in the same buffer space. Only the pointers to the data space need be passed between the protocol software modules so that the protocol software modules that process the data know where to access the data.

Nair, ¶ 20. Respectfully, the techniques disclosed in *Nair* of passing a pointer to different software modules of a protocol stack fails to disclose anything about operations performed by the server application once it is received. In fact, *Nair* expressly indicates

PATENT

App. Ser. No.: 10/037,595

Atty. Dkt. No. ROC920010193US3

PS Ref. No.: IBMK10195

that the shared buffer used by the protocol stack may be discarded (or returned to the buffer pool) once a frame is provided to a server application. Specifically, *Nair* provides:

"[P]rocessing of the data frame continues up the protocol stack until processing of the data frame by the machine is completed. At such time, the data is read from the buffer at 230 and, for example, provided to an application software program. At this point, for example, the buffer is no longer needed for temporarily storing the data packets while the various protocol software modules in the protocol stack process the data frame."

Nair, ¶ 28. As the highlighted passage demonstrates, the usage of a common buffer disclosed by *Nair* is unrelated to a method for a server application to control send buffer usage. In fact, *Nair* discloses that once the data frame is provided to the server application **"the buffer [used by the network protocol software modules] is no longer needed."** Clearly, the operations performed by the server application are distinct from those used to manage a buffer within different layers of the protocol stack. The present claims, however, are directed to processing that occurs *after* data has been processed through a protocol communications stack, i.e., after the data is, in the words of *Nair*, "provided to an application software program." Thus, Applicants submit that *Nair* fails to disclose allocating a system-supplied buffer to the server application in response to a request from a server application.

Unlike the system disclosed by *Nair*, where the "buffer is no longer needed" by the protocol stack, the present claims recite allocating a system supplied buffer used by the server application. Not surprisingly, therefore, *Nair* fails to disclose allocating a system-supplied buffer to the server application, wherein the server application is configured to exchange data with a client application running on another computer using a network-based socket, and wherein the system supplied buffer is of a sufficient size to contain the data in response to a request from a server application, as recited by claims 1, 12, and 34. Similarly, *Nair* fails to disclose the recited limitations of writing the data to the system-supplied buffer, or passing the system-supplied buffer to the network-based socket to allow the server application to continue processing while the data is sent to

PATENT

App. Ser. No.: 10/037,595

Atty. Dkt. No. ROC920010193US3

PS Ref. No.: IBMK10195

the client. Again, these recited limitations are preformed by a server application after data transmitted over a data communications network is **"provided to an application software program"** *Nair*, ¶ 28.

Thus, for all the foregoing reasons, Applicants' believe that claims 1, 12, 34, and the respective dependent claims 2, 3, 5-10, 13, 15-21 and 25-31, are allowable, and respectfully request allowance of these claims.

Claims 22, 23 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Nair* in view of *Beighe* as applied to claims 20 and 24 above, and further in view of U.S. Patent 6,822,966 by *Putcha et al.* (hereinafter *Putcha*).

Applicants submit that as demonstrated above, *Nair* in view of *Beighe*, fails to teach or suggest the invention as recited by independent claims 12 and 24. Accordingly, Applicants believe that the rejection of dependent claims 22, 23, and 32-34 is obviated without the need for further remarks by Applicants.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

PATENT

App. Ser. No.: 10/037,595

Atty. Dkt. No. ROC920010193US3

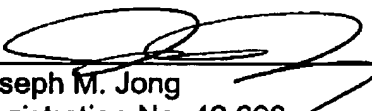
PS Ref. No.: IBMK10195

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact Gero McClellan, attorney of record, at (336) 643-3065, or the undersigned attorney to discuss strategies for moving prosecution forward toward allowance.

Respectfully submitted,



Joseph M. Jong
Registration No. 42,698
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicants